

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

- v. -

GERALD UVARI,
CESARE UVARI,
ANTHONY UVARI,
MARVIN MEYEROWITZ,
a/k/a "Cookie,"
DAVID APPELBAUM,
a/k/a "Pebbles,"
RICHARD HART,
JONATHAN BROOME,
CLIFFORD DOLGINS,
EMILIO TESTA,
NORMAN OSTROV,
PAUL CUZZO,
SAL DIMONDA,
JEFFREY GRUBER,
JONATHAN APPELBAUM,
LINDA APPELBAUM,
RENE POULIN, and
GREGORY MARTIN,

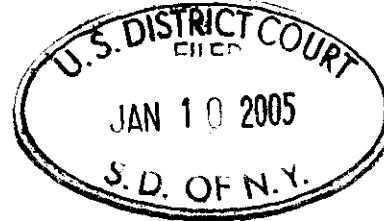
Defendants.

INDICTMENT

05 Cr.

05 CRIM.

24



COUNT ONE

Gambling Conspiracy

The Grand Jury charges:

Introduction

1. At all times relevant to this Indictment, partners and associates of an organization, referred to herein as the Uvari Group, participated in a scheme to operate an illegal gambling business principally in New York, New Jersey, Florida, Nevada and New Hampshire. In connection with its

business, the Uvari Group had customers for whom it facilitated the placement of horse racing and sports bets with various "off-site facilities." These off-site facilities were locations where bettors placed bets (by telephone or over the Internet) on horse races and other sporting contests without actually being present at the event that was the subject of the bet. Among the off-site facilities at which the Uvari Group facilitated betting were: an entity called "Euro Off-Track," located on the Isle of Man in the United Kingdom; an entity called International Racing Group, Inc., d/b/a "Racebook," located on Curacao in the Netherlands Antilles; an entity called Racing Services, Inc., located in Fargo, North Dakota; and an entity located on the Tonkawa Indian Reservation in Tonkawa, Oklahoma. Between in or about 2000 and January 2005, the Uvari Group facilitated bets on horse racing and other sporting contests in the aggregate amount of approximately \$200 million.

2. At all times relevant to this Indictment, GERALD UVARI, the defendant, was the boss of, and a partner in, the Uvari Group, and an associate of the Gambino Organized Crime Family of La Cosa Nostra.

3. At all times relevant to this Indictment, CESARE UVARI, the defendant, was a partner in the Uvari Group, the brother of GERALD UVARI, and an associate of the Gambino Organized Crime Family of La Cosa Nostra.

4. At all times relevant to this Indictment, ANTHONY UVARI, the defendant, was a partner in the Uvari Group, the son of GERALD UVARI, and an associate of the Gambino Organized Crime Family of La Cosa Nostra.

5. At all times relevant to this Indictment, MARVIN MEYEROWITZ, a/k/a "Cookie," the defendant, was a partner in the Uvari Group.

6. At all times relevant to this Indictment, DAVID APPELBAUM, a/k/a "Pebbles," the defendant, was a partner in the Uvari Group.

7. At all times relevant to this Indictment, RICHARD HART, the defendant, was an associate of the Uvari Group, and a principal of International Players Association, LLC, based in Concord, New Hampshire.

8. At all times relevant to this Indictment, JONATHAN BROOME, the defendant, was an associate of the Uvari Group, and an employee of International Players Association, LLC, based in Concord, New Hampshire.

9. At all times relevant to this Indictment, CLIFFORD DOLGINS, the defendant, was an associate of the Uvari Group.

10. At all times relevant to this Indictment, EMILIO TESTA, the defendant, was an associate of the Uvari Group.

11. At all times relevant to this Indictment, NORMAN OSTROV, the defendant, was an associate of the Uvari Group.

12. At all times relevant to this Indictment, PAUL CUZZO, the defendant, was an associate of the Uvari Group.

13. At all times relevant to this Indictment, SAL DIMONDA, the defendant, was an associate of the Uvari Group.

14. At all times relevant to this Indictment, JONATHAN APPELBAUM, the defendant, was an associate of the Uvari Group and the son of DAVID APPELBAUM.

15. At all times relevant to this Indictment, JEFFREY GRUBER, the defendant, was an associate of the Uvari Group.

16. At all times relevant to this Indictment, LINDA APPELBAUM, the defendant, was an associate of the Uvari Group and the wife of DAVID APPELBAUM.

The Conspiracy

17. From in or about 2000, up through and including in or about January 2005, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other

to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 1084, 1952 and 1955.

18. It was a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM, the defendants, and others known and unknown, being engaged in the business of betting and wagering, unlawfully and knowingly would and did use a wire communication facility for the transmission in interstate and foreign commerce of bets and wagers and information assisting in the placing of bets and wagers on a sporting event and contest, and for the transmission of a wire communication which would and did entitle the recipient to receive money and credit as a result of bets and wagers, and for information assisting in the placing of bets and wagers, in violation of Title 18, United States Code, Section 1084.

19. It was further a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY

GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did travel in interstate and foreign commerce and use the mail and a facility in interstate and foreign commerce with intent to distribute the proceeds of an unlawful activity, and to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, as that term is defined in Title 18, United States Code, Section 1952(b), and then perform and attempt to perform the same, in violation of Title 18, United States Code, Sections 1952(a)(1) and (a)(3).

20. It was further a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, in violation of New York State Penal Law Sections 225.00, 225.05, 225.10, 225.15, and 225.20, and New Jersey Code of Criminal Justice Sections 2C:37-2 and 2C:37-3, which business involved five and more persons who conducted, financed, managed,

supervised, directed, and owned all and part of it, and which business had been and had remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day, in violation of Title 18, United States Code, Section 1955.

Means and Methods of the Conspiracy

21. Among the means and methods used by GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM, the defendants, and others known and unknown, to achieve the illegal objects of the conspiracy were the following:

a. The Uvari Group established betting accounts for bettors at off-site facilities in a manner that permitted bettors to place bets anonymously. In that regard, the Uvari Group regularly contacted off-site facilities by telephone to establish accounts for bettors, who were customers of the Uvari Group. In establishing the accounts, the Uvari Group received from the off-site facility account numbers, numerical codes and pin numbers that were assigned to particular bettors. The Uvari Group then provided bettors with their assigned account numbers, numerical codes and pin numbers, as well as a telephone number

that the bettor could use to place bets at the off-site facility. Bettors were then in a position to call the telephone numbers and use the account numbers and numerical codes and pin numbers, instead of their own personal identifying information, to place bets.

b. The Uvari Group assigned a Social Security Number to every betting account it established for its customers at off-site facilities. This was required for the purpose of reporting income and losses to the Internal Revenue Service. In most cases, the Uvari Group did not assign to accounts established by the Uvari Group the Social Security Number of the bettor who ultimately used the account. Instead, the Uvari Group assigned to these bettors' accounts the Social Security Number of one of the Uvari Group's partners -- GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," and DAVID APPELBAUM, a/k/a "Pebbles," the defendants. In addition, while further preserving bettors' anonymity, this procedure allowed the partners of the Uvari Group to claim on their respective personal income tax returns gambling losses that were not their own. As a result, partners of the Uvari Group received tax windfalls generated by the gambling losses of the Uvari Group's customers. For example, for the 2003 tax year, ANTHONY UVARI, the defendant, received a tax refund of approximately \$156,794.

c. For each bet placed by a customer of the Uvari Group at an off-site facility, the Uvari Group typically received from the off-site facility a percentage of the bet, known as a "commission" or "rebate," regardless of whether the customer won or lost the bet. The Uvari Group negotiated the rate of the commission or rebate with the off-site facility based on the number of accounts that the Uvari Group opened at the off-site facility. Typically, the commissions or rebates earned by the Uvari Group were maintained by the off-site facilities in a commission or rebate account assigned to the Uvari Group. For each bet, the Uvari Group returned a portion of its commission or rebate to the bettor as an incentive for the bettor to continue to place bets through the Uvari Group. Rebates and commissions were monitored, coordinated and verified on telephone calls between and among the Uvari Group, bettors and off-site facilities.

d. Betting accounts that were established by the Uvari Group at off-site facilities were monitored by telephone (or via the Internet) by both the Uvari Group and by the bettors who used the accounts. The Uvari Group communicated by telephone with bettors regarding the status of the bettors' accounts at the off-site facilities. Betting account balances were adjusted by the off-site facilities based on betting

results, and verified by the Uvari Group with the off-site facilities by telephone, email, and facsimile.

e. The Uvari Group often set up betting accounts for its customers on credit, meaning that the Uvari Group would place an initial sum of money into an off-site account with which the customer could bet. Customers repaid the Uvari Group in cash for funds extended by the Uvari Group to open betting accounts at off-site facilities. At times, the Uvari Group curtailed a bettor's ability to place additional bets at off-site facilities by refusing to extend more credit to the bettor.

f. The betting accounts at off-site facilities were settled on a regular basis between the Uvari Group and the bettors for whom the Uvari Group had established the accounts, usually in cash. To settle the account, the Uvari Group either provided cash to, or received cash from, the bettors. Where the Uvari Group provided cash to a bettor (in the event that the bettor had winnings), the amount of money paid to the bettor by the Uvari Group was typically credited to a master account assigned to the Uvari Group by the off-site facility at which the bettor placed his or her bets. Conversely, where the Uvari Group received cash from a bettor (in the event that the bettor had losses), the amount of money received by the Uvari Group from the bettor was typically debited from the master account

assigned to the Uvari Group by the off-site facility. Arrangements for settling accounts were typically made on telephone calls between bettors and the Uvari Group.

g. The Uvari Group was assisted in its business dealings with one off-site facility, Euro Off-Track on the Isle of Man, by RICHARD HART and JONATHAN BROOME, the defendants, who were associates of the Uvari Group, and, respectively, a principal in and an employee of International Players Association, LLC, in Concord, New Hampshire. HART and BROOME acted as intermediaries in financial transactions and other dealings between the Uvari Group and Euro Off-Track. For example, Euro Off-Track typically paid money to the Uvari Group by wiring an amount of money to International Players Association, LLC, after which, International Players Association, LLC, wired substantially the same amount to the Uvari Group. The Uvari Group communicated with HART and BROOME by telephone, email and facsimile.

h. The Uvari Group was assisted in its illegal gambling business by a number of associates. Associates often acted as intermediaries between the Uvari Group and groups of bettors who bet at off-site facilities through the Uvari Group. Associates communicated, typically by telephone, with partners in the Uvari Group regarding the betting results of the bettors to whom the associate was assigned and the status of those

bettors' betting accounts at the off-site facilities.

Associates also transported sums of cash for the Uvari Group and helped facilitate Uvari Group financial transactions. Some associates were paid money by the Uvari Group for their efforts on behalf of the Uvari Group. Associates communicated with each other and partners in the Uvari Group by telephone.

Overt Acts

22. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about Fall 2000, DAVID APPELBAUM and ANTHONY UVARI discussed illegal gambling at the Tonkawa Indian Reservation in Tonkawa, Oklahoma.

b. On or about July 2, 2003, MARVIN MEYEROWITZ received a delivery of gambling records from Racing Services, Inc., located in Fargo, North Dakota.

c. On or about November 21, 2003, at approximately 5:42 p.m., DAVID APPELBAUM and EMILIO TESTA had a telephone conversation about illegal gambling.

d. On or about November 24, 2003, at approximately 9:11 a.m., DAVID APPELBAUM and PAUL CUZZO had a telephone conversation about illegal gambling.

e. On or about November 24, 2003, at approximately 12:25 p.m., DAVID APPELBAUM and NORMAN OSTROV had a telephone conversation about illegal gambling.

f. On or about December 1, 2003, at approximately 3:17 p.m., DAVID APPELBAUM and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

g. On or about December 1, 2003, at approximately 9:02 p.m., DAVID APPELBAUM and JEFFREY GRUBER had a telephone conversation about illegal gambling.

h. On or about December 3, 2003, at approximately 4:47 p.m., DAVID APPELBAUM and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

i. On or about February 16, 2004, at approximately 6:22 p.m., MARVIN MEYEROWITZ and GERALD UVARI had a telephone conversation about illegal gambling.

j. On or about February 22, 2004, at approximately 12:33 p.m., CLIFFORD DOLGINS and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

k. On or about February 25, 2004, at approximately 1:19 p.m., MARVIN MEYEROWITZ and CESARE UVARI had a telephone conversation about illegal gambling.

l. On or about February 25, 2004, at approximately 2:19 p.m., MARVIN MEYEROWITZ and a person referred

to herein as Bettor #1 had a telephone conversation about illegal gambling.

m. On or about February 26, 2004, at approximately 10:08 a.m., JONATHAN APPELBAUM and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

n. On or about February 26, 2004, at approximately 12:54 p.m., CLIFFORD DOLGINS and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

o. On or about February 27, 2004, at approximately 1:18 p.m., JONATHAN APPELBAUM and ANTHONY UVARI had a telephone conversation about illegal gambling.

p. On or about February 27, 2004, at approximately 5:12 p.m., MARVIN MEYEROWITZ and GERALD UVARI had a telephone conversation about illegal gambling.

q. On or about February 27, 2004, at approximately 5:44 p.m., MARVIN MEYEROWITZ had a telephone conversation about illegal gambling with an employee of International Racing Group, Inc., d/b/a "Racebook."

r. On or about March 2, 2004, at approximately 10:15 a.m., MARVIN MEYEROWITZ and GERALD UVARI had a telephone conversation about illegal gambling.

s. On or about March 3, 2004, at approximately 12:36 p.m., DAVID APPELBAUM, MARVIN MEYEROWITZ and a person

referred to herein as Bettor #2 had a telephone conversation about illegal gambling.

t. On or about March 11, 2004, at approximately 2:32 p.m., SAL DIMONDA and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

u. On or about April 12, 2004, at approximately 2:00 p.m., MARVIN MEYEROWITZ received a facsimile transmission from Elite Turf Club, located in Las Vegas, Nevada.

v. On or about April 29, 2004, at approximately 11:06 a.m., CESARE UVARI and GERALD UVARI had a telephone conversation about illegal gambling.

w. On or about May 4, 2004, at approximately 10:40 a.m., RICHARD HART and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

x. On or about May 7, 2004, at approximately 12:04 p.m., JONATHAN BROOME and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

y. On or about May 7, 2004, at approximately 12:22 p.m., MARVIN MEYEROWITZ and ANTHONY UVARI had a telephone conversation about illegal gambling.

z. On or about May 9, 2004, at approximately 10:32 p.m., LINDA APPELBAUM and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

aa. On or about May 10, 2004, at approximately 1:43 p.m., MARVIN MEYEROWITZ had a telephone conversation about illegal gambling with an employee of Euro Off-Track.

bb. On or about May 11, 2004, at approximately 12:19 p.m., RICHARD HART and MARVIN MEYEROWITZ had a telephone conversation about illegal gambling.

cc. On or about May 17, 2004, MARVIN MEYEROWITZ possessed records of illegal gambling and approximately \$428,455 in cash, which were seized by Special Agents of the Federal Bureau of Investigation.

dd. On or about May 17, 2004, DAVID APPELBAUM and LINDA APPELBAUM possessed records of illegal gambling and approximately \$15,000 in cash, which were seized by Special Agents of the Federal Bureau of Investigation.

ee. On or about May 17, 2004, at approximately 5:36 p.m., MARVIN MEYEROWITZ and a person referred to herein as Bettor #3 had a telephone conversation about illegal gambling.

ff. On or about May 19, 2004, at approximately 12:54 p.m., JONATHAN BROOME and GERALD UVARI had a telephone conversation about illegal gambling.

(Title 18, United States Code, Section 371.)

COUNT TWO

Operation of Illegal Gambling Business

The Grand Jury further charges:

23. Paragraphs 1 through 16 and paragraph 21 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

24. From in or about 2000, up through and including in or about January 2005, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed, and owned all and part of an illegal gambling business, in violation of New York State Penal Law Sections 225.00, 225.05, 225.10, 225.15, and 225.20, and New Jersey Code of Criminal Justice Sections 2C:37-2 and 2C:37-3, which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and had remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of \$2,000 in a single day.

(Title 18, United States Code, Sections 1955 and 2.)

COUNTS THREE through FORTY-ONETransmission of Wagering Information

The Grand Jury further charges:

25. Paragraphs 1 through 16 and paragraph 21 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

26. On the dates listed below, in the Southern District of New York and elsewhere, the defendants listed below, and others known and unknown, being engaged in the business of betting and wagering, unlawfully and knowingly used a wire communication facility for the transmission in interstate and foreign commerce of bets and wagers and information assisting in the placing of bets and wagers on a sporting event and contest, and for the transmission of a wire communication which did entitle the recipient to receive money and credit as a result of bets and wagers, and for information assisting in the placing of bets and wagers:

Count	Defendants	Date and Approximate Time of Interstate and Foreign Wire Communication From and To Southern District of New York
THREE	DAVID APPELBAUM NORMAN OSTROV GERALD UVARI	December 2, 2003 9:19 a.m.
FOUR	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	December 3, 2003 4:57 p.m.

FIVE	DAVID APPELBAUM ANTHONY UVARI GERALD UVARI	December 16, 2003 12:36 p.m.
SIX	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 18, 2004 5:37 p.m.
SEVEN	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 19, 2004 9:47 a.m.
EIGHT	MARVIN MEYEROWITZ GERALD UVARI	February 20, 2004 12:05 p.m.
NINE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 21, 2004 11:17 a.m.
TEN	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 21, 2004 12:21 p.m.
ELEVEN	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 21, 2004 3:41 p.m.
TWELVE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 22, 2004 12:04 p.m.
THIRTEEN	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 22, 2004 12:33 p.m.
FOURTEEN	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 22, 2004 1:53 p.m.
FIFTEEN	MARVIN MEYEROWITZ GERALD UVARI	February 25, 2004 2:19 p.m.
SIXTEEN	JONATHAN APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 26, 2004 10:08 a.m.
SEVENTEEN	MARVIN MEYEROWITZ GERALD UVARI	February 26, 2004 2:54 p.m.

EIGHTEEN	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 3, 2004 9:38 a.m.
NINETEEN	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 3, 2004 12:36 p.m.
TWENTY	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 5, 2004 4:24 p.m.
TWENTY- ONE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 7, 2004 12:36 p.m.
TWENTY- TWO	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 10, 2004 6:22 p.m.
TWENTY- THREE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 10, 2004 6:24 p.m.
TWENTY- FOUR	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 12, 2004 1:26 p.m.
TWENTY- FIVE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 12, 2004 5:02 p.m.
TWENTY- SIX	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 13, 2004 1:58 p.m.
TWENTY- SEVEN	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 14, 2004 9:55 a.m.
TWENTY- EIGHT	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 14, 2004 2:16 p.m.
TWENTY- NINE	MARVIN MEYEROWITZ GERALD UVARI	March 14, 2004 3:39 p.m.
THIRTY	MARVIN MEYEROWITZ GERALD UVARI	March 15, 2004 12:45 p.m.

THIRTY-ONE	MARVIN MEYEROWITZ GERALD UVARI	March 15, 2004 3:24 p.m.
THIRTY-TWO	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	April 25, 2004 12:51 p.m.
THIRTY-THREE	DAVID APPELBAUM GERALD UVARI	April 29, 2004 12:15 p.m.
THIRTY-FOUR	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	May 7, 2004 5:00 p.m.
THIRTY-FIVE	DAVID APPELBAUM GERALD UVARI	May 7, 2004 2:14 p.m.
THIRTY-SIX	LINDA APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	May 9, 2004 10:32 a.m.
THIRTY-SEVEN	MARVIN MEYEROWITZ GERALD UVARI	May 10, 2004 1:29 p.m.
THIRTY-EIGHT	JONATHAN BROOME RICHARD HART MARVIN MEYEROWITZ GERALD UVARI	May 12, 2004 (\$100,000 wire of illegal gambling proceeds from Laconia Savings (NH) to Kearney Savings Bank (NJ), through Federal Home Loan Bank of NY)
THIRTY-NINE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	May 15, 2004 12:59 p.m.
FORTY	MARVIN MEYEROWITZ GERALD UVARI	May 17, 2004 3:46 p.m.
FORTY-ONE	MARVIN MEYEROWITZ GERALD UVARI	May 17, 2004 5:36 p.m.

(Title 18 United States Code, Sections 1084 and 2.)

COUNTS FORTY-TWO through EIGHTYUse of Interstate Facility

The Grand Jury further charges:

27. Paragraphs 1 through 16 and paragraph 21 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

28. On the dates listed below, in the Southern District of New York and elsewhere, the defendants listed below, and others known and unknown, unlawfully, willfully, and knowingly traveled in interstate and foreign commerce and used the mail and a facility in interstate and foreign commerce with intent to distribute the proceeds of an unlawful activity, and promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, as that term is defined in Title 18, United States Code, Section 1952(b), and then performed and attempted to perform the same:

Count	Defendants	Date and Approximate Time of Use of Interstate and Foreign Facility From and To Southern District of New York
FORTY-TWO	DAVID APPELBAUM NORMAN OSTROV GERALD UVARI	December 2, 2003 9:19 a.m.
FORTY-THREE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	December 3, 2003 4:57 p.m.

FORTY-FOUR	DAVID APPELBAUM ANTHONY UVARI GERALD UVARI	December 16, 2003 12:36 p.m.
FORTY-FIVE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 18, 2004 5:37 p.m.
FORTY-SIX	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 19, 2004 9:47 a.m.
FORTY-SEVEN	MARVIN MEYEROWITZ GERALD UVARI	February 20, 2004 12:05 p.m.
FORTY-EIGHT	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 21, 2004 11:17 a.m.
FORTY-NINE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 21, 2004 12:21 p.m.
FIFTY	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 21, 2004 3:41 p.m.
FIFTY-ONE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 22, 2004 12:04 p.m.
FIFTY-TWO	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 22, 2004 12:33 p.m.
FIFTY-THREE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	February 22, 2004 1:53 p.m.
FIFTY-FOUR	MARVIN MEYEROWITZ GERALD UVARI	February 25, 2004 2:19 p.m.
FIFTY-FIVE	JONATHAN APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	February 26, 2004 10:08 a.m.
FIFTY-SIX	MARVIN MEYEROWITZ GERALD UVARI	February 26, 2004 2:54 p.m.

FIFTY-SEVEN	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 3, 2004 9:38 a.m.
FIFTY-EIGHT	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 3, 2004 12:36 p.m.
FIFTY-NINE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 5, 2004 4:24 p.m.
SIXTY	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 7, 2004 12:36 p.m.
SIXTY-ONE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 10, 2004 6:22 p.m.
SIXTY-TWO	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 10, 2004 6:24 p.m.
SIXTY-THREE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 12, 2004 1:26 p.m.
SIXTY-FOUR	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 12, 2004 5:02 p.m.
SIXTY-FIVE	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 13, 2004 1:58 p.m.
SIXTY-SIX	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	March 14, 2004 9:55 a.m.
SIXTY-SEVEN	CLIFFORD DOLGINS MARVIN MEYEROWITZ GERALD UVARI	March 14, 2004 2:16 p.m.
SIXTY-EIGHT	MARVIN MEYEROWITZ GERALD UVARI	March 14, 2004 3:39 p.m.
SIXTY-NINE	MARVIN MEYEROWITZ GERALD UVARI	March 15, 2004 12:45 p.m.

SEVENTY	MARVIN MEYEROWITZ GERALD UVARI	March 15, 2004 3:24 p.m.
SEVENTY- ONE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	April 25, 2004 12:51 p.m.
SEVENTY- TWO	DAVID APPELBAUM GERALD UVARI	April 29, 2004 12:15 p.m.
SEVENTY- THREE	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	May 7, 2004 5:00 p.m.
SEVENTY- FOUR	DAVID APPELBAUM GERALD UVARI	May 7, 2004 2:14 p.m.
SEVENTY- FIVE	LINDA APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	May 9, 2004 10:32 a.m.
SEVENTY- SIX	MARVIN MEYEROWITZ GERALD UVARI	May 10, 2004 1:29 p.m.
SEVENTY- SEVEN	JONATHAN BROOME RICHARD HART MARVIN MEYEROWITZ GERALD UVARI	May 12, 2004 (\$100,000 wire of illegal gambling proceeds from Laconia Savings (NH) to Kearney Savings Bank (NJ), through Federal Home Loan Bank of NY)
SEVENTY- EIGHT	DAVID APPELBAUM MARVIN MEYEROWITZ GERALD UVARI	May 15, 2004 12:59 p.m.
SEVENTY- NINE	MARVIN MEYEROWITZ GERALD UVARI	May 17, 2004 3:46 p.m.
EIGHTY	MARVIN MEYEROWITZ GERALD UVARI	May 17, 2004 5:36 p.m.

(Title 18, United States Code,
Sections 1952(a)(1), (a)(3) and 2.)

COUNT EIGHTY-ONE

Money Laundering Conspiracy

The Grand Jury further charges:

29. Paragraphs 1 through 16 and paragraph 21 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

30. From in or about 2000, up through and including in or about January 2005, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 1956 and 1957.

31. It was a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity,

unlawfully, willfully, and knowingly would and did conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955, (a) with the intent to promote the carrying on of specified unlawful activity, and (b) knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

32. It was further a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully and knowingly, would and did transport, transmit, and transfer monetary instruments and funds from a place in the United States to and through a place outside the United States, and to a place in the United States from and through a place outside the United States, (a) with the intent to promote the carrying on of specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955, and

(b) knowing that the monetary instruments and funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, and transfer was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 1956(a)(2)(B)(i).

33. It was further a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, in an offense that took place in the United States, unlawfully, willfully and knowingly, would and did engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and which was derived from specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955, in violation of Title 18, United States Code, Section 1957(a).

Means and Methods of the Conspiracy

34. Among the means and methods used by GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, to achieve the illegal objects of the conspiracy were the following:

a. Bettors using betting accounts established for them by the Uvari Group at Euro Off-Track, the off-site facility on the Isle of Man, funded those accounts by transmitting funds directly to RICHARD HART, the defendant, of International Players Association, LLC, or by transmitting funds to the Uvari Group, which then sent those funds to HART. HART transferred the funds that he received either from bettors or the Uvari Group to a betting account maintained at Euro Off-Track for the benefit of the Uvari Group.

b. Euro Off-Track subsequently transferred money that constituted the proceeds of betting by customers of the Uvari Group to RICHARD HART, the defendant, who in turn transferred the money to partners in the Uvari Group.

c. The partners in the Uvari Group falsely claimed gambling losses of their customers on their own personal income tax returns.

d. Partners in the Uvari Group used proceeds of the Uvari Group's illegal gambling business to purchase items exceeding \$10,000 in value, including property.

Overt Acts

35. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 4, 2003, approximately \$50,000 was electronically transferred to a bank account associated with DAVID and LINDA APPELBAUM.

b. On or about November 21, 2003, approximately \$80,000 was electronically transferred from International Players Association, LLC, to a bank account associated with DAVID and LINDA APPELBAUM.

c. On or about November 24, 2003, LINDA APPELBAUM endorsed a check in the amount of approximately \$134,774.29 as a downpayment on a house in Las Vegas, Nevada.

d. In or about January and February 2004, LINDA APPELBAUM wrote checks totaling approximately \$5,966.71.

e. On or about February 27, 2004, at approximately 10:06 a.m., DAVID APPELBAUM and MARVIN MEYEROWITZ

had a telephone conversation during which MEYEROWITZ told APPELBAUM that LINDA APPELBAUM paid \$5,964 for a mortgage.

f. On or about March 1, 2004, approximately \$6,000 was electronically transferred from International Players Association, LLC, to a bank account associated with DAVID and LINDA APPELBAUM.

g. On or about April 30, 2004, approximately \$94,891 was electronically transferred from the Internal Revenue Service to a bank account associated with GERALD UVARI.

h. On or about May 7, 2004, at approximately 11:54 a.m., MARVIN MEYEROWITZ had a telephone conversation with JONATHAN BROOME of International Players Association, LLC, during which MEYEROWITZ instructed BROOME to wire \$100,000 to each of MEYEROWITZ, GERALD UVARI and ANTHONY UVARI.

i. On or about May 7, 2004, at approximately 12:04 p.m., MARVIN MEYEROWITZ had a telephone conversation with JONATHAN BROOME during which BROOME told MEYEROWITZ that in order for International Players Association, LLC, to wire money to the Uvari Group, money first had to be wired from Euro Off-Track to International Players Association, LLC.

j. On or about May 7, 2004, approximately \$156,794 was electronically transferred from the Internal Revenue Service to a bank account associated with ANTHONY UVARI.

k. On or about May 11, 2004, at approximately 12:19 p.m., MARVIN MEYEROWITZ had a telephone conversation with RICHARD HART about wiring money from International Players Association, LLC, to the Uvari Group.

l. On or about May 12, 2004, \$300,000 was electronically transferred from a bank account associated with Euro Off-Track in the Isle of Man to a bank account associated with International Players Association, LLC, in Laconia, New Hampshire.

m. On or about May 12, 2004, approximately \$315,000 was electronically transferred from a bank account associated with International Players Association, LLC, to bank accounts associated with ANTHONY UVARI, GERALD UVARI and MARVIN MEYEROWITZ, in the amount of \$100,000, respectively, and to a bank account associated with DAVID and LINDA APPELBAUM, in the amount of \$15,000.

n. On or about May 14, 2004, at approximately 12:01 p.m., MARVIN MEYEROWITZ had a telephone conversation with RICHARD HART during which HART told MEYEROWITZ that \$30,000 had arrived from a customer of the Uvari Group, and that HART was instructing Euro Off-Track via the Internet to transfer the

funds into an account at Euro Off-Track associated with the Uvari Group.

(Title 18, United States Code, Section 1956(h).)

COUNT EIGHTY-TWO

Money Laundering

36. Paragraphs 1 through 16 and paragraphs 21 and 34 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

37. From on or about May 7, 2004, up through and including on or about May 12, 2004, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, unlawfully, willfully, and knowingly conducted and attempted to conduct such financial transactions, to wit, a transfer of \$315,000 from Euro Off-Track to the Uvari Group, which in fact involved the proceeds of specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955,

(a) with the intent to promote the carrying on of specified unlawful activity, and (b) knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity.

(Title 18, United States Code,
Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.)

COUNT EIGHTY-THREE

Money Laundering

38. Paragraphs 1 through 16 and paragraphs 21 and 34 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

39. From on or about May 7, 2004, up through and including on or about May 12, 2004, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM, the defendants, and others known and unknown, unlawfully, willfully and knowingly, transported, transmitted, and transferred and attempted to transport, transmit, and transfer a monetary instrument and funds to a place in the United States from and through a place outside the United States, to wit, a transfer of \$315,000 from Euro Off-Track in the Isle of Man to the Uvari Group in the United States, (a) with the intent to

promote the carrying on of specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955, and (b) knowing that the monetary instruments and funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, and transfer was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, the operation of an illegal gambling business, in violation of Title 18, United States Code, Sections 1084, 1952 and 1955.

(Title 18, United States Code,
Sections 1956(a)(2)(A), 1956(a)(2)(B)(i) and 2.)

COUNT EIGHTY-FOUR

Monetary Transactions Involving Proceeds of Crime

The Grand Jury further charges:

40. Paragraphs 1 through 16 and paragraphs 21 and 34 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

41. In or about November 2004, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and

LINDA APPELBAUM, the defendants, and others known and unknown, in an offense that took place in the United States, unlawfully, willfully and knowingly engaged and attempted to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and which was derived from specified unlawful activity, to wit, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM engaged in transfers of funds derived from the Uvari Group's illegal gambling business and used proceeds of the illegal gambling business to purchase, among other things, a house.

(Title 18, United States Code, Sections 1957(a) and 2.)

COUNT EIGHTY-FIVE

Structuring Conspiracy

The Grand Jury further charges:

42. Paragraphs 1 through 16 and paragraphs 21 and 34 of this Indictment are repeated, realleged and incorporated, as though fully set forth herein.

43. Title 31, United States Code, Section 5313(a), and the regulations prescribed thereunder, require every financial institution, as defined in Title 31, United States Code, Section 5312(a), and the regulations prescribed thereunder, to file a Currency Transaction Report ("CTR") with

the Internal Revenue Service for each cash transaction in excess of \$10,000. CTRs are intended to reveal the identity of both the person who conducted the transaction and the person for whom the transaction was conducted. Title 31, United States Code, Section 5324(a)(3), and the regulations prescribed thereunder, prohibit conduct causing a financial institution to fail to file CTRs, and the structuring of transactions for the purpose of evading the filing of CTRs. "Structuring" includes the practice of subdividing an amount of currency in excess of \$10,000 into amounts of \$10,000 or less and then conducting separate transactions in currency with those amounts to evade the filing of a CTR.

44. From in or about 2000, up through and including in or about January 2005, in the Southern District of New York and elsewhere, GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," and DAVID APPELBAUM, a/k/a "Pebbles," the defendants, and others known and unknown, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit an offense against the United States, to wit, to violate Title 31, United States Code, Sections 5324(a)(3) and (d)(2).

45. It was a part and an object of the conspiracy that GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," and DAVID APPELBAUM, a/k/a

"Pebbles," the defendants, and others known and unknown, for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and the regulations prescribed under that section, and as part of a pattern of illegal activity involving more than \$100,000 in a 12-month period, would and did structure and assist in structuring transactions with one and more domestic financial institutions, in violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2).

Overt Acts

46. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From on or about February 20, 2003, up through and including on or about February 17, 2004, MARVIN MEYEROWITZ withdrew a total of approximately \$275,500 from a federally insured bank by causing at least 29 checks to be cashed, each of which was in the amount of \$9,500.

b. From on or about March 4, 2003, up through and including on or about April 16, 2003, MARVIN MEYEROWITZ on

six occasions caused cash deposits (in amounts varying from \$9,000 to \$9,800) to be made at a federally insured bank.

(Title 18, United States Code, Section 371.)

COUNT EIGHTY-SIX

Collection of Extension Of
Credit By Extortionate Means

The Grand Jury further charges:

47. In or about December 2003, in the Southern District of New York and elsewhere, DAVID APPELBAUM, a/k/a "Pebbles," the defendant, and others known and unknown, unlawfully, willfully, and knowingly participated in the use of extortionate means to collect an extension of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish a person for the non-repayment thereof, to wit, DAVID APPELBAUM sought repayment of a gambling debt by use of threats of violence against a person referred to herein as "the Debtor."

(Title 18, United States Code, Sections 894 and 2.)

COUNT EIGHTY-SEVEN

Racehorse-Doping Conspiracy

The Grand Jury further charges:

48. From in or about November 2003, up through and including in or about December 2003, in the Southern District of

New York and elsewhere, DAVID APPELBAUM, a/k/a "Pebbles," RENE POULIN, and GREGORY MARTIN, the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1343.

49. It was a part and an object of the conspiracy that DAVID APPELBAUM, a/k/a "Pebbles," RENE POULIN, and GREGORY MARTIN, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, unlawfully, willfully and knowingly would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals pictures and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, DAVID APPELBAUM, RENE POULIN and GREGORY MARTIN devised and effectuated a scheme to fix a horse race by giving a racehorse a performance-enhancing substance, and then profit from their actions by placing bets on that racehorse to win a horse race.

Overt Acts

50. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 17, 2004, at approximately 12:48 p.m., RENE POULIN and DAVID APPELBAUM had a telephone conversation.

b. On or about December 18, 2004, at approximately 8:30 a.m., DAVID APPELBAUM, RENE POULIN and GREGORY MARTIN had a meeting.

c. On or about December 18, 2004, at approximately 11:17 a.m., DAVID APPELBAUM had a telephone conversation with JONATHAN APPELBAUM during which DAVID APPELBAUM told JONATHAN APPELBAUM to bet on the racehorse trained by GREGORY MARTIN that was racing at Aqueduct Raceway later that day.

d. On or about December 18, 2004, at approximately 12:03 p.m., DAVID APPELBAUM placed a telephonic bet on the racehorse trained by GREGORY MARTIN.

e. On or about December 18, 2004, at approximately 12:37 p.m., DAVID APPELBAUM had a telephone conversation with JONATHAN APPELBAUM during which DAVID

APPELBAUM told JONATHAN APPELBAUM that the racehorse trained by GREGORY MARTIN won a race at Aqueduct Raceway by 20 lengths.

(Title 18, United States Code, Section 371.)

COUNT EIGHTY-EIGHT

Wire Fraud

The Grand Jury further charges:

51. From in or about November 2003, up through and including in or about December 2003, in the Southern District of New York and elsewhere, DAVID APPELBAUM, a/k/a "Pebbles," RENE POULIN, and GREGORY MARTIN, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, unlawfully, willfully and knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals pictures and sounds for the purpose of executing such scheme and artifice, to wit, DAVID APPELBAUM, RENE POULIN and GREGORY MARTIN devised and effectuated a scheme to fix a horse race by giving a racehorse a performance-enhancing substance, and then profit from their actions by placing bets on that racehorse to win a horse race, and in furtherance of said scheme made interstate and foreign telephone calls at the following dates and times: December 18, 2003, at approximately 11:01 a.m.;

December 18, 2003, at approximately 12:03 p.m.; and December 18, 2003, at approximately 12:07 p.m.

(Title 18, United States Code, Sections 1343 and 2.)

FIRST FORFEITURE ALLEGATION

52. As the result of committing one or more of the illegal gambling offenses in violation of Title 18, United States Code, Sections 371 and 1955, alleged in Counts One and Two of this Indictment, defendants GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to the following:

a. A sum of money equal to \$200 million in United States currency, representing the amount of proceeds obtained as a result of the gambling offenses, for which the defendants are jointly and severally liable;

b. The contents of Citibank account number 2192699342, jointly held in the names of GERALD UVARI and another person not named herein;

c. The contents of Citibank account number 151286333, jointly held in the names of GERALD UVARI and ANTHONY UVARI;

d. The contents of Citibank account number 40016042141, jointly held in the names of ANTHONY UVARI and another person not named herein;

e. The contents of Kearney Federal Savings Bank account number 0067009513, held in the name of MARVIN MEYEROWITZ;

f. The contents of PNC Bank account number 8018579483, held in the name of CESARE UVARI;

g. The contents of Wachovia Bank account number 1000370229837, jointly held in the names of DAVID APPELBAUM and LINDA APPELBAUM;

h. The contents of Wachovia Bank account number 1030194296650, held in the name of LINDA APPELBAUM;

i. The contents of Wells Fargo Bank account number 0376241667, held in the name of ANTHONY UVARI;

j. The contents of Laconia Savings Bank account number 82422616, held in the name of International Players Association, LLC, and controlled by RICHARD HART;

k. The contents of Sovereign Bank account number 87200049747, held in the name of Misty Lane Trust and controlled by RICHARD HART;

l. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada;

m. Approximately \$15,000 in United States currency seized from the residence of DAVID APPELBAUM, LINDA APPELBAUM and JONATHAN APPELBAUM;

n. Approximately \$428,455 in United States currency seized from the residence of MARVIN MEYEROWITZ;

o. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 271, located at Wachovia Bank, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency;

p. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 1251, located at the Bank of New York, rented by JONATHAN

APPELBAUM, which includes approximately \$5,000 in United States currency; and

q. The contents of UBS Securities account number WE252297, held in the name of GERALD UVARI.

Substitute Assets

53. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the

forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by RICHARD HART in the real property and appurtenances known as 13 Misty Lane, Londonderry, New Hampshire;

b. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York;

c. Any right, title, and interest held by GERALD UVARI and CESARE UVARI in the real property and appurtenances known as 7510 17th Avenue, Brooklyn, New York;

d. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 5487 San Florentine Avenue, Las Vegas, Nevada;

e. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 28 Via De Luccia, Henderson, Nevada;

f. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 4940 Northwest 55th Street, Coconut Creek, Florida;

g. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 5429 Sandpiper Lane, Spring Valley, Nevada;

h. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 9063 Radiance Court, Paradise, Nevada;

i. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 231 Bethwick Circle, Las Vegas, Nevada;

j. Any right, title, and interest held by CESARE UVARI in the real property and appurtenances known as 7 Sweet Court, Marlboro, New Jersey; and

k. Any right, title, and interest held by MARVIN MEYEROWITZ in the real property and appurtenances known as 344 Prospect Avenue, Unit 5A, Hackensack, New Jersey.

(Title 18, United States Code, Section 981;
Title 28, United States Code, Section 2461; and
Title 18, United States Code, Sections 371 and 1955.)

SECOND FORFEITURE ALLEGATION

54. As the result of committing the gambling offense in violation of Title 18, United States Code, Section 1955, alleged in Count Two of this Indictment, defendants GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM shall forfeit to the United States pursuant to

Title 18, United States Code, Section 1955(d) and Title 28, United States Code, Section 2461, any property, including money, used in the gambling offense, including but not limited to the following:

- a. At least \$200 million for which the defendants are jointly and severally liable;
- b. The contents of Citibank account number 2192699342, jointly held in the names of GERALD UVARI and another person not named herein;
- c. The contents of Citibank account number 151286333, jointly held in the names of GERALD UVARI and ANTHONY UVARI;
- d. The contents of Citibank account number 40016042141, jointly held in the names of ANTHONY UVARI and another person not named herein;
- e. The contents of Kearney Federal Savings Bank account number 0067009513, held in the name of MARVIN MEYEROWITZ;
- f. The contents of PNC Bank account number 8018579483, held in the name of CESARE UVARI;
- g. The contents of Wachovia Bank account number 1000370229837, jointly held in the names of DAVID APPELBAUM and LINDA APPELBAUM;

h. The contents of Wachovia Bank account number 1030194296650, held in the name of LINDA APPELBAUM;

i. The contents of Wells Fargo Bank account number 0376241667, held in the name of ANTHONY UVARI;

j. The contents of Laconia Savings Bank account number 82422616, held in the name of International Players Association, LLC, and controlled by RICHARD HART; and

k. The contents of Sovereign Bank account number 87200049747, held in the name of Misty Lane Trust and controlled by RICHARD HART;

l. Any right, title, and interest held by MARVIN MEYEROWITZ in the real property and appurtenances known as 344 Prospect Avenue, Unit 5A, Hackensack, New Jersey, including any gambling proceeds found therein;

m. Approximately \$15,000 in United States currency seized from the residence of DAVID APPELBAUM, LINDA APPELBAUM and JONATHAN APPELBAUM;

n. Approximately \$428,455 in United States currency seized from the residence of MARVIN MEYEROWITZ;

o. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 271, located at Wachovia Bank, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency;

p. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 1251, located at the Bank of New York, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency; and

q. The contents of UBS Securities account number WE252297, held in the name of GERALD UVARI.

Substitute Assets

55. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by RICHARD HART in the real property and appurtenances known as 13 Misty Lane, Londonderry, New Hampshire;

b. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York;

c. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada;

d. Any right, title, and interest held by GERALD UVARI and CESARE UVARI in the real property and appurtenances known as 7510 17th Avenue, Brooklyn, New York;

e. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 5487 San Florentine Avenue, Las Vegas, Nevada;

f. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 28 Via De Luccia, Henderson, Nevada;

g. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 4940 Northwest 55th Street, Coconut Creek, Florida;

h. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 5429 Sandpiper Lane, Spring Valley, Nevada;

i. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 9063 Radiance Court, Paradise, Nevada;

j. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 21 Bethwick Circle, Las Vegas, Nevada; and

k. Any right, title, and interest held by CESARE UVARI in the real property and appurtenances known as 7 Sweet Court, Marlboro, New Jersey.

(Title 18, United States Code, Section 1955(d)
and Title 28, United States Code, Section 2461(c).)

THIRD FORFEITURE ALLEGATION

56. As the result of committing one or more of the transmission of wagering information offenses in violation of

Title 18, United States Code, Sections 371 and 1084, alleged in Count One and Counts Three through Forty-One of this Indictment, defendants GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to the following:

a. A sum of money equal to \$200 million in United States currency, representing the amount of proceeds obtained as a result of the offenses, for which the defendants are jointly and severally liable;

b. The contents of Citibank account number 2192699342, jointly held in the names of GERALD UVARI and another person not named herein;

c. The contents of Citibank account number 151286333, jointly held in the names of GERALD UVARI and ANTHONY UVARI;

d. The contents of Citibank account number 40016042141, jointly held in the names of ANTHONY UVARI and another person not named herein;

e. The contents of Kearney Federal Savings Bank account number 0067009513, held in the name of MARVIN MEYEROWITZ;

f. The contents of PNC Bank account number 8018579483, held in the name of CESARE UVARI;

g. The contents of Wachovia Bank account number 1000370229837, jointly held in the names of DAVID APPELBAUM and LINDA APPELBAUM;

h. The contents of Wachovia Bank account number 1030194296650, held in the name of LINDA APPELBAUM;

i. The contents of Wells Fargo Bank account number 0376241667, held in the name of ANTHONY UVARI;

j. The contents of Laconia Savings Bank account number 82422616, held in the name of International Players Association, LLC, and controlled by RICHARD HART;

k. The contents of Sovereign Bank account number 87200049747, held in the name of Misty Lane Trust and controlled by RICHARD HART;

l. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and

appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada;

m. Approximately \$15,000 in United States currency seized from the residence of DAVID APPELBAUM, LINDA APPELBAUM and JONATHAN APPELBAUM;

n. Approximately \$428,455 in United States currency seized from the residence of MARVIN MEYEROWITZ;

o. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 271, located at Wachovia Bank, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency;

p. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 1251, located at the Bank of New York, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency; and

q. The contents of UBS Securities account number WE252297, held in the name of GERALD UVARI.

Substitute Assets

57. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by RICHARD HART in the real property and appurtenances known as 13 Misty Lane, Londonderry, New Hampshire;

b. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York;

c. Any right, title, and interest held by GERALD UVARI and CESARE UVARI in the real property and appurtenances known as 7510 17th Avenue, Brooklyn, New York;

d. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 5487 San Florentine Avenue, Las Vegas, Nevada;

e. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 28 Via De Luccia, Henderson, Nevada;

f. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 4940 Northwest 55th Street, Coconut Creek, Florida;

g. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 5429 Sandpiper Lane, Spring Valley, Nevada;

h. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 9063 Radiance Court, Paradise, Nevada;

i. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 231 Bethwick Circle, Las Vegas, Nevada;

j. Any right, title, and interest held by CESARE UVARI in the real property and appurtenances known as 7 Sweet Court, Marlboro, New Jersey; and

k. Any right, title, and interest held by MARVIN MEYEROWITZ in the real property and appurtenances known as 344 Prospect Avenue, Unit 5A, Hackensack, New Jersey.

(Title 18, United States Code, Section 981;
Title 28, United States Code, Section 2461; and
Title 18, United States Code, Sections 371 and 1084.)

FOURTH FORFEITURE ALLEGATION

58. As the result of committing one or more of the use of interstate facility offenses in violation of Title 18, United States Code, Sections 371 and 1952, alleged in Count One and Counts Forty-Two through Eighty of this Indictment, defendants GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, CLIFFORD DOLGINS, EMILIO TESTA, NORMAN OSTROV, PAUL CUZZO, SAL DIMONDA, JEFFREY GRUBER, JONATHAN APPELBAUM, and LINDA APPELBAUM shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to the following:

a. A sum of money equal to \$200 million in United States currency, representing the amount of proceeds obtained as a result of the offenses, for which the defendants are jointly and severally liable;

b. The contents of Citibank account number 2192699342, jointly held in the names of GERALD UVARI and another person not named herein;

c. The contents of Citibank account number 151286333, jointly held in the names of GERALD UVARI and ANTHONY UVARI;

d. The contents of Citibank account number 40016042141, jointly held in the names of ANTHONY UVARI and another person not named herein;

e. The contents of Kearney Federal Savings Bank account number 0067009513, held in the name of MARVIN MEYEROWITZ;

f. The contents of PNC Bank account number 8018579483, held in the name of CESARE UVARI;

g. The contents of Wachovia Bank account number 1000370229837, jointly held in the names of DAVID APPELBAUM and LINDA APPELBAUM;

h. The contents of Wachovia Bank account number 1030194296650, held in the name of LINDA APPELBAUM;

i. The contents of Wells Fargo Bank account number 0376241667, held in the name of ANTHONY UVARI;

j. The contents of Laconia Savings Bank account number 82422616, held in the name of International Players Association, LLC, and controlled by RICHARD HART;

k. The contents of Sovereign Bank account number 87200049747, held in the name of Misty Lane Trust and controlled by RICHARD HART;

l. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada;

m. Approximately \$15,000 in United States currency seized from the residence of DAVID APPELBAUM, LINDA APPELBAUM and JONATHAN APPELBAUM;

n. Approximately \$428,455 in United States currency seized from the residence of MARVIN MEYEROWITZ;

o. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 271, located at Wachovia Bank, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency;

p. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number

1251, located at the Bank of New York, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency; and

q. The contents of UBS Securities account number WE252297, held in the name of GERALD UVARI.

Substitute Assets

59. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the

forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by RICHARD HART in the real property and appurtenances known as 13 Misty Lane, Londonderry, New Hampshire;

b. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York;

c. Any right, title, and interest held by GERALD UVARI and CESARE UVARI in the real property and appurtenances known as 7510 17th Avenue, Brooklyn, New York;

d. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 5487 San Florentine Avenue, Las Vegas, Nevada;

e. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 28 Via De Luccia, Henderson, Nevada;

f. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 4940 Northwest 55th Street, Coconut Creek, Florida;

g. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 5429 Sandpiper Lane, Spring Valley, Nevada;

h. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 9063 Radiance Court, Paradise, Nevada;

i. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 231 Bethwick Circle, Las Vegas, Nevada;

j. Any right, title, and interest held by CESARE UVARI in the real property and appurtenances known as 7 Sweet Court, Marlboro, New Jersey; and

k. Any right, title, and interest held by MARVIN MEYEROWITZ in the real property and appurtenances known as 344 Prospect Avenue, Unit 5A, Hackensack, New Jersey.

(Title 18, United States Code, Section 981;
Title 28, United States Code, Section 2461; and
Title 18, United States Code, Sections 371 and 1952.)

FIFTH FORFEITURE ALLEGATION

60. As the result of committing one or more of the money laundering offenses in violation of Title 18, United States Code, Sections 1956 and 1957, alleged in Counts Eighty-One through Eighty-Six of this Indictment, defendants GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ, a/k/a "Cookie," DAVID APPELBAUM, a/k/a "Pebbles," RICHARD HART, JONATHAN BROOME, and LINDA APPELBAUM shall forfeit to the United States pursuant to Title 18, United States Code, Section 982,

all property, real and personal, involved in the money laundering offenses and all property traceable to such property, including but not limited to the following:

a. A sum of money equal to \$200 million in United States currency, in that such sum in aggregate is property which was involved in the money laundering offenses or is traceable to such property, for which the defendants are jointly and severally liable;

b. The contents of Citibank account number 2192699342, jointly held in the names of GERALD UVARI and another person not named herein;

c. The contents of Citibank account number 151286333, jointly held in the names of GERALD UVARI and ANTHONY UVARI;

d. The contents of Citibank account number 40016042141, jointly held in the names of ANTHONY UVARI and another person not named herein;

e. The contents of Kearney Federal Savings Bank account number 0067009513, held in the name of MARVIN MEYEROWITZ;

f. The contents of PNC Bank account number 8018579483, held in the name of CESARE UVARI;

g. The contents of Wachovia Bank account number 1000370229837, jointly held in the names of DAVID APPELBAUM and LINDA APPELBAUM;

h. The contents of Wachovia Bank account number 1030194296650, held in the name of LINDA APPELBAUM;

i. The contents of Wells Fargo Bank account number 0376241667, held in the name of ANTHONY UVARI;

j. The contents of Laconia Savings Bank account number 82422616, held in the name of International Players Association, LLC, and controlled by RICHARD HART;

k. The contents of Sovereign Bank account number 87200049747, held in the name of Misty Lane Trust and controlled by RICHARD HART;

l. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada;

m. Any right, title, and interest held by MARVIN MEYEROWITZ in the real property and appurtenances known as 344 Prospect Avenue, Unit 5A, Hackensack, New Jersey;

n. Approximately \$15,000 in United States currency seized from the residence of DAVID APPELBAUM, LINDA APPELBAUM and JONATHAN APPELBAUM;

o. Approximately \$428,455 in United States currency seized from the residence of MARVIN MEYEROWITZ;

p. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 271, located at Wachovia Bank, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency;

q. All those items of value discovered and seized on or about May 19, 2004, from safe deposit box number 1251, located at the Bank of New York, rented by JONATHAN APPELBAUM, which includes approximately \$5,000 in United States currency; and

r. The contents of UBS Securities account number WE252297, held in the name of GERALD UVARI.

Substitute Assets

61. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s)-

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by RICHARD HART in the real property and appurtenances known as 13 Misty Lane, Londonderry, New Hampshire;

b. Any right, title, and interest held by DAVID APPELBAUM and LINDA APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York;

c. Any right, title, and interest held by GERALD UVARI and CESARE UVARI in the real property and appurtenances known as 7510 17th Avenue, Brooklyn, New York;

d. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 5487 San Florentine Avenue, Las Vegas, Nevada;

e. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 28 Via De Luccia, Henderson, Nevada;

f. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 4940 Northwest 55th Street, Coconut Creek, Florida;

g. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 5429 Sandpiper Lane, Spring Valley, Nevada;

h. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 9063 Radiance Court, Paradise, Nevada;

i. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 231 Bethwick Circle, Las Vegas, Nevada; and

j. Any right, title, and interest held by CESARE UVARI in the real property and appurtenances known as 7 Sweet Court, Marlboro, New Jersey.

(Title 18, United States Code, Sections 982, 1956 and 1957.)

SIXTH FORFEITURE ALLEGATION

62. As a result of committing the foregoing offense alleged in Count Eighty-Seven of this Indictment, defendants GERALD UVARI, CESARE UVARI, ANTHONY UVARI, MARVIN MEYEROWITZ,

a/k/a "Cookie," and DAVID APPELBAUM, a/k/a "Pebbles," shall forfeit to the United States pursuant to Title 31, United States Code, Section 5317(c)(1), all property, real and personal, involved in the structuring offense, and all property traceable to such property, including but not limited to the following:

a. A sum of money representing all property which was involved in the structuring offense or is traceable to such property, for which the defendants are jointly and severally liable; and

b. The contents of Kearney Federal Savings Bank account number 0067009513, held in the name of MARVIN MEYEROWITZ.

Substitute Assets

63. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by DAVID APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York;

b. Any right, title, and interest held by DAVID APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada;

c. Any right, title, and interest held by GERALD UVARI and CESARE UVARI in the real property and appurtenances known as 7510 17th Avenue, Brooklyn, New York;

d. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 5487 San Florentine Avenue, Las Vegas, Nevada;

e. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 28 Via De Luccia, Henderson, Nevada;

f. Any right, title, and interest held by GERALD UVARI in the real property and appurtenances known as 4940 Northwest 55th Street, Coconut Creek, Florida;

g. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 5429 Sandpiper Lane, Spring Valley, Nevada;

h. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 9063 Radiance Court, Paradise, Nevada;

i. Any right, title, and interest held by ANTHONY UVARI in the real property and appurtenances known as 231 Bethwick Circle, Las Vegas, Nevada;

j. Any right, title, and interest held by CESARE UVARI in the real property and appurtenances known as 7 Sweet Court, Marlboro, New Jersey; and

k. Any right, title, and interest held by MARVIN MEYEROWITZ in the real property and appurtenances known as 344 Prospect Avenue, Unit 5A, Hackensack, New Jersey.

(Title 31, United States Code, Sections 5317(c)(1),
5313(a) and 5324.)

SEVENTH FORFEITURE ALLEGATION

64. As the result of committing the extortionate credit offense in violation of Title 18, United States Code, Section 894, alleged in Count Eighty-Eight of this Indictment, defendant DAVID APPELBAUM, a/k/a "Pebbles," shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to the following:

a. All proceeds obtained as a result of the extortionate credit offense.

Substitute Assets

65. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by DAVID APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York; and

b. Any right, title, and interest held by DAVID APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada.

(Title 18, United States Code, Section 981;
Title 28, United States Code, Section 2461; and
Title 18, United States Code, Section 894.)

EIGHTH FORFEITURE ALLEGATION

66. As the result of committing one or more of the wire fraud offenses in violation of Title 18, United States Code, Section 1343, alleged in Counts Eighty-Nine and Ninety of this Indictment, defendants DAVID APPELBAUM, a/k/a "Pebbles,"

RENE POULIN, and GREGORY MARTIN shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to the following:

a. All proceeds obtained as a result of the wire fraud offenses.

Substitute Assets

67. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) -

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

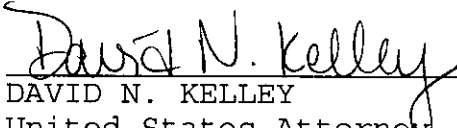
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property, including but not limited to the following:

a. Any right, title, and interest held by DAVID APPELBAUM in the real property and appurtenances known as 57 Bramble Brook Road, Ardsley, New York; and

b. Any right, title, and interest held by DAVID APPELBAUM in the real property and appurtenances known as 5434 Pendi Point Court, Las Vegas, Nevada.

(Title 18, United States Code, Section 981;
Title 28, United States Code, Section 2461; and
Title 18, United States Code, Section 1343.)


FOREPERSON


DAVID N. KELLEY
United States Attorney

